

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Roanoke Division**

JOSHUA LEE SMITH,	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	<b>Case No. 7:22-cv-00238</b>
	)	
TWIN COUNTY REGIONAL	)	
HEALTHCARE, <i>et al.</i>	)	
	)	
<i>Defendants.</i>	)	
	)	

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**PARTIAL CONSENT MOTION TO STAY BRIEFING ON DEFENDANT RODRIGUEZ-  
MARTINEZ’S MOTION TO EXCLUDE EXPERTS**

Plaintiff Joshua L. Smith and Defendant Rodriguez-Martinez, by counsel, respectfully submit this motion to stay briefing on Defendant Rodriguez-Martinez’s Motion to Exclude the Opinions of David Hauge, Md., Nancy Bond, M. ED, Richard Bowman, M.D. and Joseph Rosenberg, CFRA (hereinafter, “Motion to Exclude Experts”) and remove argument on the Motion from the hearing scheduled for July 16, 2024. In support thereof, Plaintiff states the following:

1. On May 1, 2024, pursuant to this Court’s Joint Scheduling Order and unopposed extensions of disclosure deadlines, Plaintiff submitted Expert Disclosures to all Defendants. (Dkt. 164, 201).
2. On June 24, 2024, Plaintiff made all counsel aware that he intended to supplement Dr. Hauge’s expert report. *See* Email dated June 24, 2024, attached hereto as Exhibit A.
3. On June 26, 2024, Defendant Rodriguez-Martinez filed the Motion to Exclude Experts. (Dkt. 232).

4. On June 28, 2024, Plaintiff provided all counsel Dr. Hauge's supplemented expert report.

5. On July 3, 2024, counsel for the parties held a meet and confer to discuss the supplementation. Counsel for Defendant Rodriguez-Martinez, as well as counsel for the NRVJR and CCSO defendants indicated their intention to file a Motion to Strike the supplemented report.

6. Counsel for the Plaintiff and Dr. Rodriguez-Martinez agree that litigating motions, some not yet filed, on the original report and the supplemental report piecemeal would be an inefficient use of both the Parties' and the Court's resources.

7. Counsel for the Plaintiff and Dr. Rodriguez-Martinez acknowledge that in light of the supplementation, argument on the Motion to Exclude before the Court at the hearing scheduled for July 16, 2024 would likely be untimely and should be postponed pending briefing about the supplementation.

8. Consideration of the appropriateness of the exclusion of Dr. Hauge's report (and a result, the rest of Plaintiff's experts opining on damages) would be hindered without full briefing on both Dr. Hauge's original and supplemental report.

9. To promote judicial efficiency and avoid duplicative motions practice, Plaintiff seeks to stay his response until Defendant Rodriguez-Martinez files her second Motion to Strike, so that he may fully address the relevant arguments in one comprehensive response.

10. Defense counsel will not be prejudiced by this extension, and the Court will be aided by full consideration of the arguments related to Dr. Hauge's report.

11. Counsel for Defendant Rodriguez-Martinez consents to this Motion, and it is unopposed by counsel for Carroll County Sheriff's Office, New River Valley Regional Jail, and

associated Defendant Employees. At the time of filing, counsel for TCRH and Hannah Williams had not responded or indicated a position on the Motion.

12. A proposed order granting Plaintiff's motion to stay briefing on Dr. Rodriguez-Martinez's Motion to Exclude Experts brief is herein attached hereto.

**WHEREFORE**, Plaintiff Joshua Smith and Defendant Rodriguez-Martinez, by counsel, respectfully request that the Court grant Plaintiff's request for a stay in the briefing schedule on Dr. Rodriguez-Martinez's Motion to Exclude Experts until Dr. Rodriguez-Martinez's second motion addressing Dr. Hague's supplemented report is filed and full consideration of the arguments related to exclusion of Dr. Hauge is possible. Furthermore, Plaintiff and Defendant Rodriguez-Martinez respectfully request that the hearing on the Motion to Exclude be removed from the hearing docketed for July 16, 2024.

Respectfully submitted,

/s/Aderson Francois

Aderson Francois (D.C. Bar. No. 498544)

(pro hac vice)

Nicole Molinaro Rheault (D.C. Bar. No. 1780028)

(pro hac vice)

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GEORGETOWN UNIVERSITY LAW CENTER

600 New Jersey Avenue NW, Suite 352

Washington, DC 20001

(202) 661-6506

(202) 661-6710

Aderson.Francois@georgetown.edu

Nicole.Rheault@georgetown.edu

/s/Joshua Erlich

Joshua Erlich (VSB No. 81298)

Katherine L. Herrmann (VSB No. 83203)

THE ERLICH LAW OFFICE, PLLC

1550 Wilson Blvd. Suite 700

Arlington, VA 22209  
Tel: (703) 791-9087  
Fax: (703) 722-8114  
jerlich@erlichlawoffice.com  
kherrmann@erlichlawoffice.com

*Counsel for Plaintiff Joshua Lee Smith*

/s/ Cynthia L. Santoni  
CYNTHIA L. SANTONI (Va. Bar No. 23172)  
Aneta Nikolic (Va. Bar No. 92432)  
Blankingship & Keith, PC  
4020 University Dr, Suite 300  
Fairfax, VA 22030  
(703) 691-1235  
csantoni@bklawva.com  
anikolic@bklawva.com

*Attorney for Defendant Maribel Rodriguez-Martinez,  
M.D.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9th day of July 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing (NEF) to all counsel.

/s/ Nicole M. Rheault

Nicole M. Rheault